

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

MATTHEW HENRY CANTRELL,

Plaintiff,

v.

CIVIL ACTION NO. 2:20-cv-00467

ANDREW SAUL,

Commissioner of Social Security,

Defendant.

ORDER

This action was referred to United States Magistrate Judge Omar Aboulhosn for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). On March 19, 2021, Magistrate Judge Aboulhosn submitted his Proposed Findings & Recommendations [ECF No. 14] (“PF&R”) and recommended that the court **GRANT** Plaintiff’s request for remand [ECF No. 11]; **DENY** Defendant’s request to affirm the decision of the Commissioner [ECF No. 12]; **REVERSE** the final decision of the Commissioner; and **REMAND** this matter back to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings in order to either obtain an updated mental evaluation or otherwise more fully ascertain whether Claimant’s mental impairments preclude him from performing at substantial gainful activity level despite his limitations. As both parties were served electronically, objections were

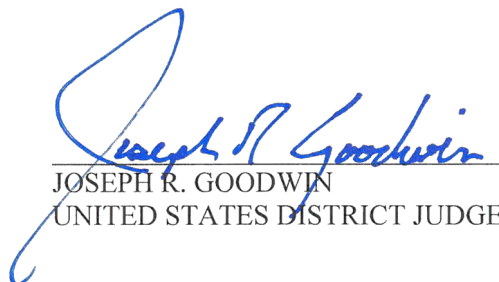
due no later than April 2, 2021. Neither party timely filed objections to the PF&R nor sought an extension of time.

A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court adopts and incorporates herein the PF&R and orders judgment consistent therewith. The court **GRANTS** Plaintiff’s request for remand [ECF No. 11]; **DENIES** Defendant’s request to affirm the decision of the Commissioner [ECF No. 12]; **REVERSES** the final decision of the Commissioner; and **REMANDS** this matter back to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: April 7, 2021



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE